

**In the United States Court of Federal Claims**

No. 12-780 C

(Filed September 24, 2013)

\* \* \* \* \*

KELLOGG BROWN & ROOT \*  
SERVICES, INC., \*

*Plaintiff,* \*

v. \*

THE UNITED STATES, \*

*Defendant.* \*

\* \* \* \* \*

**ORDER**

The court has before it plaintiff's Motion to File Supplemental Brief in Opposition to Defendant's Motion to Dismiss, filed August 27, 2013. Plaintiff suggests that additional briefing will be useful to the court as it considers the arguments presented in prior briefs and at oral argument. Defendant opposes the motion stating that there is "no need for further advocacy." Def.'s Opp. at 1. In plaintiff's reply brief, to which a draft supplemental brief was attached, plaintiff suggests that should the court allow its supplemental brief to be filed, defendant's response deadline should follow within seven days. Plaintiff also requests that a "brief additional oral argument" be scheduled. Pl.'s Reply at 2.

There will be no additional oral argument because plaintiff has already been afforded ample opportunity to respond to defendant's dispositive motion.<sup>1</sup>

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<sup>1/</sup> Plaintiff's request for additional oral argument was presented for the first time in its reply brief. The court assumes that defendant opposes this additional, belated request for an opportunity to present further advocacy, just as it opposes plaintiff's request for supplemental briefing.

Nonetheless, plaintiff's request to file a supplemental brief of no more than ten pages is granted to ensure that plaintiff's arguments have been coherently and comprehensively presented to the court. Given that plaintiff may have presumed that it could supplement its supplemental brief with additional oral argument, the court will not require that plaintiff's supplemental brief conform in all respects to the draft supplemental brief attached to its reply brief.

Accordingly, it is hereby **ORDERED** that:

- (1) Plaintiff's Motion to File Supplemental Brief in Opposition to Defendant's Motion to Dismiss, filed August 27, 2013, is **GRANTED**;
- (2) **Plaintiff's Supplemental Brief** of no more than ten pages shall be **FILED** in this case on or before **September 30, 2013**;
- (3) **Defendant's Response to Plaintiff's Supplemental Brief** of no more than ten pages shall be **FILED** in this case on or before **October 15, 2013**; and
- (4) No further filings are anticipated in this case before the court rules on defendant's motion to dismiss the complaint.

/s/Lynn J. Bush  
LYNN J. BUSH  
Judge